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EXAMINER PAN, YONGJIA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/598,168

Applicant(s)

BUTLIN ET AL.

Examiner

YONGJIA PAN

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to amendments filed June 3, 2010.
2. Amendments to the specification have been acknowledged.
3. Claims 1 and 3-4 have been amended.
4. Claim 9 has been canceled.
5. Claim 10-17 have been added.
6. Claims 1-8 and 10-17 are pending.

Drawings

7. The drawings were received on June 3, 2010. These drawings are accepted for examination purposes.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5-7, 10-12, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Cronin et al. (US Publication 2002/0137502 A1); hereinafter referred to as Cronin.

Regarding claim 1, Cronin teaches a device comprising a storage device for storing a plurality of data resources (*The digital memory 6 may include pre-stored run-*

time software and the downloaded data with executable software adapted for the respective digital processor)([0029]);

a file system for organizing the plurality of data resources stored in the storage means (A program of the external data source has an individual serial number and an associated "level" of programming capability. The program of the external data source is allowed to customize the resources at the associated level or at a lower level at every stage of downloading specified resources)([0044]) and a user interface for providing user access to the plurality of data resources (Figure 1 reference element 11)(a main display for providing user access to data resources is shown);

wherein the file system comprises one or more locations comprising directly addressable data resources (Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k")(Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a standard list of resources ... Programming during manufacturing is often at a level 1 ...All of the resources defined as belonging to level 1 typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k) and one or more locations comprising indirectly addressable data resources (Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers

may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1 and M)({0046}), the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider), the file system being configured, in use, to provide a single interface from the user interface to both directly addressable data resources and indirectly addressable data resources (Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources)({0046}).

Regarding claim 2, Cronin teaches a device according to claim 1, wherein the directly addressable data resources comprise data content files which, in use, are displayed within the user interface *(the mobile phone displays menus defined by fixed linked resources).*

Regarding claim 3, Cronin teaches a device according to claim 1, wherein the indirectly addressable data resources comprise a database *(The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider)({0008})* and, in use, the result of one or more queries is displayed within the user interface *(If the external data source is a base transceiving*

station of a mobile communication system, then a modular system of different run-time modules may be available on-demand to increase a number of available functions of a mobile phone}{0007}{*on-demand resources queried, downloaded, and generated for display on the mobile device*}.

Regarding claim 5, Cronin teaches a method of for storing a plurality of data resources within a file system of a device, the method comprising the steps of:

defining one or more locations comprising one directly addressable data resources (Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k")*(Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a standard list of resources ... Programming during manufacturing is often at a level 1 ...All of the resources defined as belonging to level 1 typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k);*

defining one or more locations comprising indirectly addressable data resources (Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")*(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1*

and M){[0046]}, the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider);

wherein file system provides a single interface from the user interface to access both the directly addressable data resources and indirectly addressable data resources access (Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources){[0046]}.

Regarding claim 6, Cronin teaches a method according to claim 5, wherein the method comprises the further step of accessing a directly addressable data resource such that the content of the data resource is displayed within the user interface (the mobile phone displays menus defined by accessing fixed linked resources).

Regarding claim 7, Cronin teaches a method according to claim 5, wherein the method comprises the further step of accessing an indirectly addressable data resource, the data resource comprising a database (The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider){[0008]} such that the result(s) of a database query is displayed within the user interface (If the external data source is a base transceiving station of a mobile communication system, then a modular system of different run-time

modules may be available on-demand to increase a number of available functions of a mobile phone.)(0007))(on-demand resources queried, downloaded, and generated for display on the mobile device).

Regarding claim 10, Cronin teaches an apparatus configured to store a plurality of data resources within a file system of a device, comprising:

means for defining one or more locations comprising one directly addressable data resources (Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k")(Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a standard list of resources ... Programming during manufacturing is often at a level 1 ...All of the resources defined as belonging to level 1 typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k);
and

means for defining one or more locations comprising indirectly addressable data resources (Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional

resources 1 and M){(0046)}, the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider);

wherein file system provides a single interface from the user interface to access both the directly addressable data resources and indirectly addressable data resources access *(Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources){(0046)}.*

Regarding claim 11, Cronin teaches the apparatus of claim 10, wherein the directly addressable data resources comprise data content files which, in use, are displayed within the user interface *(the mobile phone displays menus defined by fixed linked resources).*

Regarding claim 12, Cronin teaches the apparatus of claim 10, wherein the indirectly addressable data resources comprise a database *(The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider){(0008)}* and, in use, the result of one or more queries is displayed within the user interface *(If the external data source is a base transceiving station of a mobile communication system, then a modular system of different run-time modules may be available on-demand to increase a number of available functions of a*

mobile phone)(0007))(on-demand resources queried, downloaded, and generated for display on the mobile device).

Regarding claim 14, Cronin teaches a computer program product, comprising:

a non-transitory computer-readable storage medium (*computer programs comprising of instructions are inherently stored upon some storage medium before execution*) configured to store a plurality of data resources within a file system of a device comprising:

a first set of instructions for causing a computer to define one or more locations comprising one directly addressable data resources *Figure 3 reference labels "Fixed Resource 1", "Fixed Resource 2", and "Fixed Resource k")*(Generally, during manufacturing, the mobile phone 1 initially has no additional resources inside except a standard list of resources ... Programming during manufacturing is often at a level 1 ...All of the resources defined as belonging to level 1 typically cannot be subsequently changed at any other level (i.e., cannot be changed by a user). Referring to FIG. 3, the level 1 resources are shown as fixed resources 1 to k);

a second set of instructions for causing the computer to define one or more locations comprising indirectly addressable data resources (*Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource l", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")*(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example

of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1 and M)({0046}), the indirectly addressable data resources being accessible through a data provider (the indirectly accessible are provided post-manufacturing, therefore they are provided through some third party data provider);

wherein file system provides a single interface from the user interface to access both the directly addressable data resources and indirectly addressable data resources access (Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources)({0046}).

Regarding claim 15, Cronin teaches the computer program product of claim 14, wherein the directly addressable data resources comprise data content files which, in use, are displayed within the user interface (*the mobile phone displays menus defined by accessing fixed linked resources*).

Regarding claim 16, Cronin teaches the computer program product of claim 14, wherein the indirectly addressable data resources comprise a database (*The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal*

computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider){[0008]} and, in use, the result of one or more queries is displayed within the user interface (If the external data source is a base transceiving station of a mobile communication system, then a modular system of different run-time modules may be available on-demand to increase a number of available functions of a mobile phone){[0007]}(on-demand resources queried, downloaded, and generated for display on the mobile device).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4, 8, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin and in further view of Gibbons et al. (US Publication 2004/0034853 A1); hereinafter referred to as Gibbons.

Regarding claim 4, Cronin teaches a device as applied in the claim above.

Cronin differs from the claims in that Cronin fails to teach the indirectly addressable data resources comprise a mark-up language element and, in use, the mark-up language element is rendered and the associated result is displayed within the user interface. However, an indirectly addressable data resources comprising a mark-up language element, wherein the mark-up language element is rendered and the associated result

is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user interface*)[0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons' indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

Regarding claim 8, Cronin teaches a method as applied in the claim above. Cronin differs from the claims in that Cronin fails to teach the accessing an indirectly addressable data resource, the data resource comprising a mark-up language element such that the mark-up language element is rendered and the associated result is displayed within the user interface. However, accessing an indirectly addressable data resource, the data resource comprising a mark-up language element such that the mark-up language element is rendered and the associated result is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user*

interface)([0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons' indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

Regarding claim 13, Cronin teaches an apparatus as applied in the claim above. Cronin differs from the claims in that Cronin fails to teach the indirectly addressable data resources comprise a mark-up language element and, in use, the mark-up language element is rendered and the associated result is displayed within the user interface. However, an indirectly addressable data resources comprising a mark-up language element, wherein the mark-up language element is rendered and the associated result is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user interface*)([0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons' indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

Regarding claim 17, Cronin teaches a computer program product as applied in the claim above. Cronin differs from the claims in that Cronin fails to teach the indirectly addressable data resources comprise a mark-up language element and, in use, the mark-up language element is rendered and the associated result is displayed within the user interface. However, an indirectly addressable data resources comprising a mark-up language element, wherein the mark-up language element is rendered and the associated result is displayed within the user interface is taught by Gibbons (*a server-side packager prepares applications for download and execution on a Mobile Terminal Device. To adapt applications to the variations between different Mobile Terminal Devices, Cascading Style Sheets are used to describe application parameters for a Mobile Terminal Device. The Cascading Style Sheets are combined with an XHTML file specifying the application user interface*)([0027]). Since both Cronin and Gibbons both teach a system and method for downloading user interfaces to mobile devices, it would have been obvious to one of skilled in the art to modify Cronin to include Gibbons' indirectly addressable make-up language data element to achieve the predictable result of providing extensible resources to a user interface.

Response to Arguments

12. Applicant's arguments, see page 9 of applicant's remarks, filed June 3, 2010, with respect to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.

13. Applicant's arguments, see page 9 of applicant's remarks, filed June 3, 2010, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.

14. Applicant's arguments filed June 3, 2010, with respect to the 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections, have been fully considered but they are not persuasive.

With respect to claims 1 and 5, applicant argues that Cronin fails to teach "one or more locations comprising indirectly addressable data resources, the indirectly addressable data resources being accessible through a data provider"; the examiner respectfully disagrees.

It is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is a "bedrock principle" that "the claims of the patent define the invention to which the patentee is entitled the rights to exclude." *Innova*, 381 F.3d at 1115; see also *Vitronics*, 90 F.3d at 1582 ("we look at the words of the claims themselves ... to define the scope of the patented invention"); *Markman*, 52 F.3d at 980 ("The written description part of the specification itself does not delimited the right to exclude. That is the function of the claims."). As such the words of the claims "are generally given their ordinary customary meaning." *Vitronics*, 90 F.3d at 1582; also see *Ferguson Beauregard/Logic Controls v. Mega Sys., LLC*, 350 F.3d 1327, 1338 (Fed. Cir, 2003)(claim terms "are examined though the viewing glass of person skilled in the art").

According to common definitions and barring any special definitions, it would be reasonable for one of ordinary skill in the art would interpret "locations comprising indirectly addressable data resources" as any data resource location that is not currently retrievable locally (e.g. data resource that is located remotely). Cronin discloses of such "indirectly addressable data resource" as "downloadable resources" (i.e. data resources that are remotely located and must be downloaded); (Figure 3 reference labels "Downloadable Mandatory Resource 1", "Downloadable Mandatory Resource I", "Downloadable Optional Resource 1", "Downloadable Optional Resource M")(When the manufacturer tailors the mobile phone 1 for a specific market, then this is an example of the level 2 programming. An example of the level 3 programs are network operator programs. At the level 4, service providers may program. Programming levels 3 and 4 are shown as mandatory resources 1 and L in FIG. 3. For end users, programming is available at level 5 where optional resources are downloaded on demand. These resources are shown in FIG. 3 as optional resources 1 and M) ([0046]).

These "downloadable resources" are retrieved through a data provider database (The mobile phone may have electronic circuitry that provides an interface with external digital devices for data exchange with a local database or a database system. The interface with the external digital devices is preferably adapted to exchange data with a personal computer, a database system at the location of a manufacturer or a re-seller, or a database of an Internet data service provider) ([0008]), stored in memory along with directly addressable data in preparation for execution (The digital memory 6 may include pre-stored run-time software and the downloaded data with executable software

adapted for the respective digital processor) ([0029]), where upon execution generates a single user interface from both directly addressable and indirectly addressable data (*Menus of the mobile phone 1 are defined by the run-time software and the downloaded data linking fixed resources, mandatory resources and optional resources*) ([0046]).

With respect to claims 2-4 and 6-8, as the claims depend upon rejected independent claims 1 and 5, the claims are similarly rejected.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONGJIA PAN whose telephone number is (571)270-1177. The examiner can normally be reached on Monday through Friday 9:00 AM - 6:00 (EST) PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Yongjia Pan
July 1, 2010